

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOHN A. BOSWELL,

Plaintiff,

v.

CRAIG LYNN BASS,

Defendant.

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Case No. 6:22-cv-415-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff John A. Boswell, a Gregg County Jail inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On October 31, 2022, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case with prejudice because Defendant Craig Bass, as a criminal defense attorney, is not a state actor and therefore cannot be sued under § 1983. Docket No. 5. Plaintiff filed objections. Docket No. 6.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Plaintiff's objections do not mention, much less controvert, the proposed findings and conclusions of the Magistrate Judge that Defendant is not a state actor subject to suit under § 1983. Accordingly, the Court finds that Plaintiff's objections are without merit.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 5) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** with prejudice as frivolous and for failure to state a claim upon which relief can be granted.

So **ORDERED** and **SIGNED** this **30th** day of **November, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE